

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case No.: 3:09-CV-00546-MOC-DSC

PROSPECT CAPITAL CORPORATION,)
Individually and derivatively on behalf of)
ESA ENVIRONMENTAL SPECIALISTS,)
INC.,)

Plaintiff)

vs)

ORDER

NATHAN M. BENDER, DAVID C. EPPLING,)
JACOB COLE, JOHN M. MITCHELL,)
SHELTON SMITH, SANDRA DEE COLE,)
MICHAEL ANTHONY HABOWSKI, DENNIS)
M. MOLESEVICH, TRACEY HAWLEY,)
CHERRY BEKAERT & HOLLAND LLP,)
ELLIOT AND WARREN, ADKISSON,)
SHERBERT & ASSOCIATES, HOULIHAN)
SMITH, CHESTER J. BANULL, and)
SUNTRUST BANKS, INC.)

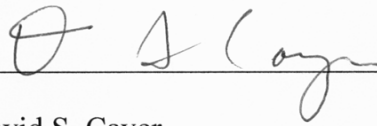
Defendants)

THIS MATTER is before the Court on “Plaintiff’s Motion for Leave to Permit Discovery Between Plaintiff and Defendant SunTrust Banks, Inc.” (document #168); and the parties’ associated briefs and exhibits. See Documents ##169-70. Having carefully considered the parties’ arguments, the record, and the applicable authority, and having consulted with the chambers of the Honorable Max O. Cogburn, Jr. (the District Judge to whom this case is assigned), the Court denies Plaintiff’s Motion.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: September 1, 2011

A handwritten signature in cursive script, appearing to read "D S Cayer", written over a horizontal line.

David S. Cayer
United States Magistrate Judge

